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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,654	01/24/2001	Steve Lemke	PALM-3217.US.P	3467

7590 06/17/2004

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EXAMINER

FIELDS, COURTNEY D

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/769,654

Applicant(s)

LEMKE, STEVE

Examiner

Courtney D. Fields

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/15/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1,3,4-10,12-19, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Maes et al. (U.S. Patent No. 6,016,476).

Referring to claims 1 and 12, Maes et al. discloses a method and system of enabling a user to access a computer system comprising the steps of capturing biometric data from the user desiring access to the computer system having a user verification device in response to initial interaction by the user with the user verification device, verifying identity of the user using the biometric data and if verification is successful, powering-up the computer system to a normal operation mode and granting the user access to the computer system in Column 5, lines 54-67.

As per claim 3, Maes et al. discloses the claimed limitation wherein comparing the biometric data with a reference template representing stored biometric data of an authorized user in Column 7, lines 1-12.

As per claims 4 and 13, Maes et al. discloses the claimed limitation wherein automatically invoking an application program upon entering the normal operation mode in Column 6, lines 28-55.

As per claims 5 and 14, Maes et al. discloses the claimed limitation wherein capturing new biometric data from the user using the user verification device during the normal operation mode according to a programmable schedule and verifying identity of the user using the new biometric data to continue access by the user in Column 7, lines 12-35.

As per claims 6 and 15, Maes et al. discloses the claimed limitation wherein the biometric data is one of a thumbprint, a fingerprint, a magnetic characteristic, a color characteristic, a temperature characteristic, a geometric characteristic, and a combination thereof of the user in Column 10, lines 66-67, Column 11, lines 1-8.

As per claims 7 and 16, Maes et al. discloses the claimed limitation wherein the user verification device comprising a biometric sensor in Column 5, lines 54-60.

As per claims 8 and 17, Maes et al. discloses the claimed limitation wherein the user initiates the step of pressing the user verification device in Column 13, lines 6-15.

As per claims 9 and 18, Maes et al. discloses the claimed limitation wherein the user initiates the step of swiping the user verification device in Column 5, lines 25-35.

As per claims 10 and 19, Maes et al. discloses the claimed limitation wherein the user initiates the step of touching the user verification device in Column 5, lines 36-53.

As per claim 21, Maes et al. discloses the claimed limitation wherein the computer system comprises a personal digital assistant in Column 2, lines 23-30, Column 4, lines 65-67, Column 5, lines 1-4.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 11, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maes et al. in view of Haitani et al. (U.S. Patent No. 5,900,875). As per claims 1, 3, 10, 19, and 21, Maes et al. discloses the invention as substantially claimed. However, Maes et al. does not explicitly disclose the feature of generating an interrupt to alert the computer system that the user desire access nor a verification device having a button-shape. As per claim 2, Haitani et al. discloses the claimed limitation wherein generating an interrupt to alert the computer system that the user desires access to the computer system in Column 3, lines 19-29. Therefore it would be obvious to a person having ordinary skill in the art at the time the invention was made to modify Maes et al. biometric system by using Haitani et al.'s PDA system. Haitani et al. provides the user with quick access to desired information. (See Haitani et al., Column 1, lines 36-38) As per claims 11 and 20, Haitani et al. discloses the claimed limitation wherein the user verification device has a button-shape in Column 2, lines 50-67, Column 3, lines 1-12.

Therefore it would be obvious to a person having ordinary skill in the art at the time the invention was made to modify Maes et al. biometric system by using Haitani et al.'s PDA system. Haitani et al. provides the user with easy means for navigating the PDA. (See Haitani et al., Column 2, lines 37-44)

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ausems et al. (U.S. Patent No. 6,434,403) discloses a personal digital assistant with a wireless telephone.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 703-305-8293. The examiner can normally be reached on Mon - Thu 7:00 - 5:00 pm; off every Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 703-308-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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June 13, 2004

Matthew A. Smithers
MATTHEW SMITHERS
PRIMARY EXAMINER
Art Unit 2137